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585 prospective groom at least would now be a person of influence, able to make his wishes felt.

Swan is, as usual, the devil's advocate for the Creeks. He says that "marriage is considered only as a temporary convenience, not binding on the parties more than one year. . . .

"The married women are termed bound wenches—the single girls, free wenches. The least freedom with a bound wench is considered criminal, and invariably punished by the cropping law.

595 "A plurality of wives is allowed of—a mother and her two daughters are often kept by one man, at the same time; but this is most frequently by white traders, who are better able to support them. A large portion of the old and middle-aged men, by frequently changing, have had many different wives, and their children, scattered around the country, are unknown to them.

181 611 836 "Few women have more than two children by the same father; hence they have found the necessity of conferring the honors of chiefs and micos on the issue of the female line, for it would be impossible to trace the right by the male issue."[14]

Although there was no doubt an element of truth in this picture it is evident that Swan has magnified it very much, owing to his failure to understand the clan system and the collective terms in accordance with which people may be fathers, mother, sons, and daughters to each other in name but not in fact. The reason he gives for matrilineal descent is also offered by Bossu.[15] It is an old ex post facto explanation furnished sometimes by the Indians themselves and sometimes by their white chroniclers. It has no relation whatever to the sexual looseness of the people.

583 It will be observed that a tendency crops out here, which I also observed during my work upon the north Pacific coast, to the development of an official marriage and an unofficial yet tolerated union, and in both cases they may be traced to the same cause. The official marriage in the case of young people is made for, not by, them. It represents the kind of union which agrees with tribal convention and ought to be best for the prosperity of the clans concerned, for the tribe, and for the couple so married. The parties thus mated are of the proper clans, the proper standing in the tribe, the proper age, and their virtues are such as to constitute a fair exchange. From all a priori considerations they are the mates for each other. Nevertheless, the serious blows which our conventions receive are signs that they are only conventions after all, and the same thing was true in primitive society. Thus it often happened that a couple which ought to agree did not, and in such cases it was frequently found necessary to undo what had been done. There can be no doubt that the frequency of divorce among many primitive peoples is

[14] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 273 [15] Bossu, Nouv. Voy., vol. II, p. 21.

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traceable directly to false matings brought about by official action. In their youth a man and a woman might be passive victims of mismating but, as we have seen, in later years they became to a great extent masters and mistresses of their own inclinations which could then be satisfied. Another way in which this could be brought about was through the unofficial marriage, although this was often for no more lofty motive than the gratification of sexual passion. Still it was one of the safety valves which nature, outraged by unnatural official marriages, constructed for itself. 583

Regarding divorce in late times I was told that if a married couple did not get along well their relatives talked to them, and if they still kept pulling apart they finally let them separate. 586

Bossu says on this subject:

"A man among these peoples has the liberty of leaving his wife, but that seldom happens; if a woman is discovered committing adultery the least evil that can happen to her is to be repudiated. Then the husband abandons the cabin; if he has children he takes care of the boys, and his wife of the girls; the wife must, however, remain a widow for a year, while the husband can remarry at once. He can take back his wife; she, however, can not marry a second time until the end of a year." [16]

Other writers are more detailed. Hawkins says:

"This (divorce) is at the choice of either of the parties; the man may marry again as soon as he will; but she is bound till all the *Boocketau* of that year are over excepting in a case of marriage and parting in a season when there is no planting [or more properly speaking, during the season the man resides at the house of the woman and has possession of her during the continuation of the marriage ceremony]; in that case the woman is equally free to connect herself again as soon as she pleases. There is an inconsistency in the exception above since, in fact, in such season there can be no marriage; but the chiefs, in their report on this article, mentioned it as an exception, and this practice in these cases of half marriage prevails universally. As soon as a man goes to the house of his bride, he is in complete possession of her till the ceremony ends, and during this period the exception will apply. Marriage gives no right to the husband over the property of his wife, and when they part she keeps the children, the property belonging to them and her own." [17]

Swan says:

"If a separation is desired by either the man or his wife, it is commonly consented to, and takes place without ceremony; but he or she is not at liberty to take any other person as wife or husband,

[16] Bossu, Nouv. Voy., vol. II, p. 20.

[17] Hawkins, Ga. Hist. Soc. Colls., vol. III, pp. 73-74. The bracketed clause is wanting in the Library of Congress copy of the Ms. It repeats the second sentence from the end.